

Application No.: 09/699,922

Docket No.: 00-4026

REMARKS

Claims 1-20 and 24 are currently pending. Claims 21-23 have been canceled. Claims 15, 16 and 24 have been amended to more clearly articulate the claimed embodiments. Applicant thanks the Examiner for indicating that claims 17-20 are allowed and claims 2 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

35 USC §102

Claims 1, 3, 4, 7-9, 11, 12, 14-16 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,628,530 issued to *Op De Beek et al.* Applicant respectfully disagrees.

The pending claims are directed to methods and apparatuses, as applicable, for adjusting the volume level of an audio device. Claim 1, for example, includes the following steps:

receiving a first audio signal from the audio device;

receiving a data packet from the audio device, the data packet comprising a second audio signal that is sampled at the audio device;

determining whether a difference between the first audio signal and the second audio signal exceeds a threshold value; and

adjusting the audio level of the audio device when the difference between the first audio signal and the second audio signal exceeds the threshold value.

These limitations explicitly describe *the first and second audio signals being received from a single audio device* wherein the *audio level of the audio device is adjusted* when the difference between the first and second audio signals exceeds a threshold. In this way, it is possible to determine whether the difference between the audio signal as it exists at the audio device is sufficiently different from the audio signal as it is remotely received to warrant adjusting the level of the audio signal at the audio device. The prior art reference relied on does not disclose or suggest the above limitations.

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Op De Beek et al. discloses an arrangement for converting an electric signal into an acoustic signal wherein the arrangement comprises, among other things, “an equalizing unit having a first and second input and an output, for correcting the frequency characteristic of an electric signal applied to its first input under the control of a control signal applied to its second input and for supplying the corrected electric signal on its output...” (Col. 1, lines 12-17). The first input into the equalizing unit is received from a signal generator 2 and the second input 10 is received from a frequency analyzer 16. The second input 10 is comprised of a control signal derived from first and second inputs into the frequency analyzer which subjects the inputs to a transfer function. The first input 15 into the frequency analyzer is from the signal generator 2 via A/D converter 25 and the second input 17 thereto is from a microphone 14 via A/D converter 18 (See FIG. 1; Col. 8, line 49 – Col. 9, line 24).

On page 2, paragraph 2 of the Office Action, it is asserted that *Op De Beek et al.* discloses, among other things, “a method for adjusting an audio level of an audio device comprising receiving a first audio signal from *the audio device* (microphone 14).” Here the Examiner defines *the audio device* as a microphone. However, continuing on in the paragraph the Examiner refers to *the audio device* as being “A/D converter 25”. Finally, the Examiner asserts that *Op De Beek et al.* discloses adjusting the level of *the audio device* and appears to suggest that the audio device being referred to here is the “equalizing unit 4”. Applicant submits that the Examiner has not adequately provided a basis for rejecting the pending claims.

First, the pending claims are clearly directed to methods and apparatuses for adjusting the volume level of an audio device wherein the audio device being adjusted is the *same audio device that sends the first and second audio signals*. When certain conditions are met, the first and second audio signals are used to adjust the audio level of the *same audio device that sent the first and second signals*. This clearly is not disclosed or suggested by the cited reference. The Examiner points to three separate and distinct components as being “the audio device” and not a single one of these components is configured to send first and second audio signals which are used to cause the audio level of “the audio device” to be adjusted.

Second, *Op De Beek et al.* discloses, “an equalizing unit having a first and second input and an output, for *correcting the frequency characteristic of an electric signal* applied to

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its first input under the control of a control signal applied to its second input and for supplying the corrected electric signal on its output..." (See Col. 1, lines 12-17). Applicant submits that correcting the frequency characteristic of an electric signal is not equivalent to adjusting the audio level of the audio device. Correcting the frequency characteristic of an electric signal relates to adjusting audio quality, not audio level, as according to the pending claims.

Third, *Op De Beek et al.* does not disclose receiving a data packet from the audio device that includes the second audio signal that is sampled at the audio device, as recited in the claims. Indeed, *Op De Beek et al.* does not disclose anything about data packets, particularly a data packet that comprises the recited second audio signal that is sampled by the audio device. Referring again to page 2, paragraph 2 of the Office Action, it is asserted that *Op De Beek et al.* discloses, "receiving a data packet from the audio device (signal 15), the data packet comprising a second audio signal that is sampled at the audio device (A/D converter 25)..." It is known that a data packet is a package of digital information that includes a header portion, e.g., address information, followed by a variable-length data field portion. Applicant submits that *Op De Beek et al.* does not disclose that the A/D converter 25 is configured to construct a data packet from the signal received from the signal source 2 and it is not known that such a conversion is an inherent function of the device. Applicant respectfully requests that the Examiner provide proof in support of this assertion. Further, if the A/D converter 25 is "the audio device" then it would have to be the audio device for which the audio level is to be adjusted as according to the pending claims. *Op De Beek et al.* does not disclose or suggest adjusting the audio level of the A/D converter 25. For at least these reasons, Applicant submits that the pending claims 1-20 and 24 are allowable over the cited reference.

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CONCLUSION

Applicants respectfully submit that all pending claims are distinguished over the cited prior art and are otherwise in condition for allowance. If the Examiner has any questions or issues relating to Applicants' response, or believes that any formal matters require clarification, the Examiner is cordially encouraged to telephone the undersigned Applicants' representative.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-2347, under Order No. 00-4026 from which the undersigned is authorized to draw.

Dated: July 11, 2005

Respectfully submitted,

By

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